

Message Text

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ACTION L-03

INFO OCT-01 AF-08 ARA-10 EA-09 EUR-12 NEA-10 ISO-00 IO-13
AID-05 EB-08 /079 W
-----160545Z 042855 /23-11
R 151641Z MAR 77
FM AMEMBASSY VIENNA
TO SECSTATE WASHDC 1070
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UNCLAS VIENNA 2035

FOR SCHWEBEL AND NORRIS

E.O. 11652: N/A
TAGS: UNIDO, EIND, OCON, PORO
SUBJECT: UNIDO IGC-V, SETTLEMENT OF DISPUTES ARTICLE

1. LEGAL DRAFTING GROUP ON MARCH 14 APPROVED AND SENT TO
CONTACT GROUP FOLLOWING TEXT OF ARTICLE 19 (SETTLEMENT OF
DISPUTES): QTE

SETTLEMENT OF DISPUTES

1. (A) ANY DIFFERENCE AMONG TWO OR MORE MEMBERS CONCERNING THE INTERPRETATION OR APPLICATION OF THIS CONSTITUTION, INCLUDING ITS ANNEXES, THAT IS NOT SETTLED BY NEGOTIATION SHALL BE REFERRED TO THE BOARD UNLESS THE PARTIES CONCERNED AGREE ON ANOTHER MODE OF SETTLEMENT. IF THE DISPUTE IS OF PARTICULAR CONCERN TO A MEMBER NOT REPRESENTED ON THE BOARD, THAT MEMBER SHALL BE ENTITLED TO BE REPRESENTED IN ACCORDANCE WITH RULES TO BE ADOPTED BY THE BOARD.

(B) IF THE DISPUTE IS NOT SETTLED PURSUANT TO PARAGRAPH 1 TO THE SATISFACTION OF ANY PARTY TO THE DISPUTE THAT PARTY MAY REFER THE MATTER:
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(I) EITHER, IF THE PARTIES SO AGREE:
(A) TO THE INTERNATIONAL COURT OF JUSTICE;
OR
(B) TO AN ARBITRAL TRIBUNAL;
(II) OR, OTHERWISE, TO A CONCILIATION COMMISSION.
THE RULES CONCERNING THE PROCEDURES AND OPERATION OF THE
ARBITRAL TRIBUNAL AND OF THE CONCILIATION COMMISSION

ARE LAID DOWN IN ANNEX ..., WHICH CONSTITUTES AN INTEGRAL PART OF THIS CONSTITUTION.

2. IF A DIFFERENCE ARISES BETWEEN THE ORGANIZATION AND A MEMBER CONCERNING THE INTERPRETATION OR APPLICATION OF THIS CONSTITUTION INCLUDING ITS ANNEXES, THE BOARD MAY, AFTER CONSULTATION WITH THAT MEMBER, REQUEST THE INTERNATIONAL COURT OF JUSTICE SUBJECT TO ARTICLE 96 OF THE CHARTER OF THE UNITED NATIONS, TO GIVE AN ADVISORY OPINION ON THAT DIFFERENCE.

3. THE CONFERENCE AND THE BOARD ARE SEPARATELY EMPOWERED, SUBJECT TO AUTHORIZATION FROM THE GENERAL ASSEMBLY OF THE UNITED NATIONS, TO REQUEST THE INTERNATIONAL COURT OF JUSTICE TO GIVE AN ADVISORY OPINION ON ANY LEGAL QUESTION ARISING WITHIN THE SCOPE OF THE ORGANIZATION'S ACTIVITIES. END QTE.

2. COMMENT: (A) LEGAL DRAFTING GROUP ADOPTED TEXT AD REFERENDUM WITH RESERVATIONS BY ARGENTINA AND JAPAN.

(B) TEXT IS LARGELY A REFINEMENT OF TEXT SUBMITTED BY GROUP B AT IGC-IV. USDEL THOUGHT THAT TEXT WAS GOOD ENOUGH THAT IT SHOULD NOT BE REOPENED, BUT SWISS AND AUSTRIAN DELEGATES INSISTED ON TECHNICAL GROUNDS.

(C) MAJOR ACCOMPLISHMENT OF SWISS AND AUSTRIANS IS DELETION OF "ANY STATE" OR "ALL THE STATES" BRACKETS IN ARTICLE 1(A). GROUP D RECOGNIZES PRIVATELY THAT THIS TEXT IS "ANY STATE" FORMULA, SINCE ANY MEMBER CAN PROPOSE AN ITEM FOR INCLUSION IN THE AGENDA OF THE BOARD, BUT IT UNCLASSIFIED

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PREFERS THAT THE CONSTITUTION NOT USE THAT TERM.

(D) AS USDEL INDICATED IN PREVIOUS REPORTING, THIS IS NOT AN IDEAL SETTLEMENT ARTICLE. IT DOES, HOWEVER, INVOLVE THE TRADITIONAL MODES OF DISPUTES SETTLEMENT AND IS INCORPORATED IN THE BODY OF THE CONSTITUTION RATHER THAN IN A SEPARATE PROTOCOL. STIBRAVY

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, AGREEMENT DRAFT, DISPUTE SETTLEMENT, CONSTITUTIONAL AMENDMENTS, INTERNATIONAL ORGANIZATIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 15-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770089-0719
Format: TEL
From: VIENNA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770356/aaaabxta.tel
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Office: ACTION L
Original Classification: UNCLASSIFIED
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TAGS: EIND, OCON, PORG, UNIDO
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